

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILBERTO CHAVEZ,

Plaintiff,

v.

U.S. PROBATION OFFICER,

Defendant.

Case No.: 1:24-cv-01132 JLT SAB

ORDER ADOPTING IN FULL THE FINDINGS
AND RECOMMENDATIONS, DISMISSING
THE ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 7)

Filberto Chavez seeks to hold an unidentified U.S. Probation Officer liable for violations of his civil rights. (*See generally* Doc. 1.) Plaintiff did not pay the Court's filing fee or submit a completed application to proceed *in forma pauperis* in this matter, despite being ordered to do so. (*See* Docs. 4, 5.) The assigned magistrate judge found Plaintiff failed to prosecute this action—and failed to comply with the Court's orders. (Doc. 7 at 1-2.) The magistrate judge also found terminating sanctions are appropriate after considering the factors identified by the Ninth Circuit. (*Id.* at 2-3.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 4.)

The Court served these Findings and Recommendations on Plaintiff and notified him at that any objections were due within 14 days. (Doc. 7 at 4.) The Court advised him that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file

1 objections, and the time to do so expired.

2 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.

3 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations

4 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on December 5, 2024 (Doc. 7) are
ADOPTED in full.
- 6 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to pay the filing
fee, failure to obey the Court's orders, and failure to prosecute.
- 7 3. The Clerk of Court is directed to close this case.

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9 IT IS SO ORDERED.
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11 Dated: January 2, 2025


UNITED STATES DISTRICT JUDGE

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